UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/1100
28 October 1999

ORIGINAL: ENGLISH

LETTER DATED 28 OCTOBER 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Please find enclosed an article that appeared in The New York Times of today's date, entitled "To bomb Sudan plant, or not: a year later, debates rankle", in which the paper has provided more details about the mistake committed by the United States when it attacked the Al-Shifa pharmaceutical factory on 20 August 1998 (see annex).

1. The paper indicated that after the United States attack on Al-Shifa pharmaceutical factory, western engineers who had worked at the factory were asserting that it was, as the Sudan claimed, a working pharmaceutical plant. Reporters visiting the ruined building saw bottles of medicine but no signs of security precautions and no obvious signs of a chemical weapons manufacturing operation.

2. The article stated that, soon after the strike, word began to filter out of the Government that senior United States intelligence officials, including Jack Downing, head of the CIA's Directorate of Operations, its clandestine espionage arm, believed the Sudan strike was not justified. Others raising similar questions included the head of the African Division in the clandestine service and the chief of the CIA's Counter-Terrorism Center, whose own office had collected the intelligence on the site. The article went on to say that those officials found the connections between the Sudan, Al-Shifa and bin Laden too indirect to support the Administration's public statements justifying the attack.

3. The paper also mentioned that the United States Assistant Secretary of State, Phyllis Oakley, questioned the attack and prepared a report confirming that the CIA's evidence on which the attack had been based was inadequate, but this report was suppressed by senior United States officials. She privately expressed a sense of frustration and concern over the decision. Other officials in the intelligence bureau have also expressed concern over the action.

4. The article by The New York Times is further evidence refuting the United States allegations about Al-Shifa factory which lack precise information and are deceiving at the same time, propagated by the American Administration to justify

its treacherous aggression against a pharmaceutical factory which produces only human and veterinary medicine.

I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mubarak RAHMTALLA
Chargé d'affaires a.i.
Deputy Permanent Representative

Annex

To Bomb Sudan Plant, or Not: A Year Later, Debates Rankle

News Article by NYT on October 27, 1999 at 07:54:14:

To Bomb Sudan Plant, or Not: A Year Later, Debates Rankle

THE NEW YORK TIMES
October 27, 1999
By JAMES RISEN

WASHINGTON -- In the 14 months since President Clinton ordered a cruise missile strike on a pharmaceutical plant in Sudan, his aides have steadfastly defended the decision. Clinton, they say, acted on evidence that left no doubt the factory was involved with chemical weapons and linked to Osama bin Laden, the Saudi exile they blame for blowing up two U.S. embassies in East Africa.

But a re-examination of the decision, based on interviews with key participants, shows that it was far more difficult than the administration has acknowledged and that the voices of dissent were numerous.

Officials throughout the government raised doubts up to the eve of the attack about whether the United States had sufficient information linking the factory to either chemical weapons or to bin Laden, according to participants in the interviews. They said senior diplomatic and intelligence officials had argued strenuously over whether any target in Sudan should be attacked.

Aides passed on their doubts to the secretary of state and the director of central intelligence, officials said. But the national security advisor, Sandy Berger, who played a pivotal role in approving the strike, said in an interview that he was not aware of any questions about the strength of the evidence on the factory before the attack.

In the aftermath, some senior officials moved to suppress internal dissent, officials said. Secretary of State Madeleine Albright and a senior deputy, they said, encouraged State Department intelligence analysts to kill a report being drafted that concluded that the bombing was not justified.

The new accounts of the deliberations provide the clearest explanation to date of the reasoning behind one of the most debated military actions

undertaken by the administration.

Some officials said they were told that the president and his aides had approved the operation -- code-named Infinite Reach -- to show that the United States could hit back against an adversary that had bombed U.S. embassies simultaneously in two countries.

And, some officials said, the president's chief advisers concluded that the risks of striking the wrong target were far outweighed by the possibility that the plant in Sudan was making chemical weapons for a terrorist eager to acquire and use them.

Like many decisions of this kind, the decision to bomb the plant was made under intense pressure and with a sense of urgency created by intelligence showing that bin Laden was contemplating another lethal attack against the United States. "We would have been derelict in our duty not to have proceeded," Berger said.

Current and former U.S. officials agreed to discuss the operation because, more than a year later, they continue to be plagued by doubts about whether it was justified. They said they are still troubled by the lack of a full airing of what they view as gaps in the evidence linking the plant, called Al Shifa, to bin Laden. And they complain that the decision-making process was so secretive that Al Shifa was not vetted by many of the government's experts on chemical weapons sites or terrorism.

The officials brought to light several previously unknown aspects of the strike.

For example, at the pivotal meeting reviewing the targets, the director of central intelligence, George Tenet, was said to have cautioned Clinton's top advisers that while he believed the evidence connecting bin Laden to the factory was strong, it was less than iron clad.

He warned that the link between bin Laden and the factory could be "drawn only indirectly and by inference," according to notes taken by a participant. The plant's involvement with chemical weapons, Tenet told his colleagues, was more certain, confirmed by a soil sample taken from near the site that contained an ingredient of nerve gas.

Berger said he does not recall that Tenet raised any such doubts at the meeting. "I would say the director was very clear in his judgment that the plant was associated with chemical weapons," Berger said. "No one in the discussion questioned whether Al Shifa was an appropriate target."

Just a few hours before the attack, officials said, Clinton called off a planned attack on a second target in Sudan, a tannery, after senior military officers raised questions about the risks of civilian casualties and the evidence connecting it to bin Laden. The last-minute campaign was

led by Gen. Harry H. Shelton, who enlisted other senior officers in an effort to undo the recommendation of Clinton's civilian advisers.

On Aug. 20, 1998, U.S. missiles hit two targets, demolishing Al Shifa and several of bin Laden's camps in Afghanistan. Within days, Western engineers who had worked at the Sudan factory were asserting that it was, as Sudan claimed, a working pharmaceutical plant. Reporters visiting the ruined building saw bottles of medicine but no signs of security precautions and no obvious signs of a chemical weapons manufacturing operation.

In the days after the strike, as criticism mounted, the administration closed ranks, publicly asserting that the intelligence was persuasive. But the doubts persisted, particularly at the State Department Bureau of Intelligence and Research.

Before the attack, the bureau had written a report for Albright questioning the evidence linking Al Shifa to bin Laden.Following the bombing, analysts renewed their doubts and told Assistant Secretary of State Phyllis Oakley that the CIA's evidence on which the attack had been based was inadequate.

Ms. Oakley asked them to double-check; perhaps there was some intelligence they had not yet seen. The answer came back quickly: There was no additional evidence.

Ms. Oakley called a meeting of key aides and a consensus emerged: Contrary to what the administration was saying, the case tying Al Shifa to bin Laden or to chemical weapons was weak. Ms. Oakley told her aides to draft a report reflecting their skepticism, a significant step because there was a chance its findings might leak out.

Ms. Oakley told Under Secretary of State Thomas Pickering that her aides were preparing a report that would sharply question the bombing.

Officials said Pickering asked whether the report contained any information omitted from the State Department's previous study. Ms. Oakley said no. In that case, Pickering said, there was no reason to raise the issue again.

"After the Al Shifa strike," Pickering said in an interview, Ms. Oakley told him her staff "was working on a draft, and we both agreed that there was nothing new in what it had to say. She and I discussed the idea of pursuing it further, and I said I didn't see the value in pursuing it further, and she agreed."

But other officials say that while she accepted the order to kill the report, Ms. Oakley, who retired from the State Department last month after 42 years, privately expressed a sense of frustration and concern over the

decision. Other officials in the intelligence bureau have also expressed concern over the action. Ms. Oakley declined to be quoted in this article.

"It was after the strike and I didn't see the point," Pickering said. "There was not an effort to shut off a new inquiry."

Ms. Oakley passed on Pickering's order to her analysts.

A couple of days later, Albright asked Ms. Oakley about the report and was assured that work had been stopped. Ms. Oakley replied that there was not going to be any report, according to people familiar with the conversation.

Albright doesn't recall the details of her conversation with Ms. Oakley, but does remember that she was "not interested in having that debate rehashed," said James Rubin the State Department spokesman.

Pickering said the report was being drafted solely for the use of himself and Albright, both of whom were already aware of the intelligence bureau's qualms.

A reconstruction of events shows that Ms. Oakley was hardly the only senior government official to question the intelligence linking Sudan, bin Laden and chemical weapons.

Washington's suspicions about Sudan's links to chemical weapons date back to the aftermath of the Persian Gulf War in 1991. The CIA received reports that Iraqi chemical weapons experts had visited Khartoum, prompting suspicions that Iraq was shifting some of its production of chemical weapons to Sudan.

At about the same time, bin Laden moved to Sudan after his exile from Saudi Arabia and began to invest heavily in Sudanese commercial enterprises, often through joint ventures with the government, while using Sudan as a base for his loosely knit international terrorist organization, Al Qaeda, U.S. intelligence officials said.

The CIA received intelligence reports indicating that in 1995, bin Laden won tentative approval from Sudanese leaders to begin developing chemical weapons in Sudan for use against U.S. troops in Saudi Arabia. But in 1996, the Sudanese, responding to pressure from the U.S. and Saudi Arabia, forced bin Laden to leave, prompting the Saudi radical and many of his supporters to retreat to Afghanistan.

By then, the United States had pulled its embassy staff out of Sudan and had closed down the CIA's Khartoum station, citing threats of terrorist action. Some U.S. intelligence officials now acknowledge that the decision to pull out left the United States with only a limited capacity to understand events in Sudan.

Suspicions about the Al Shifa plant arose in the CIA in the summer of 1997. U.S. intelligence officials said an informant reported that two facilities in Khartoum might be involved in chemical weapons production. The informant also mentioned a third site -- Al Shifa -- on which he had less information but which was suspicious because it had high fences and stringent security.

In December 1997, an agent working for the CIA collected a soil sample at a site about 60 feet away from the plant, directly across an access road from the main entrance, according to U.S. officials. U.S. officials say the sample was taken on open ground outside the factory fence, on land that does not appear to have been owned by Al Shifa.

That soil contained about two and a half times the normal trace amounts of Empta, a chemical used in the production of VX nerve gas, a senior U.S. official said. The results prompted a heated debate among U.S. intelligence analysts about Al Shifa's possible links to weapons of mass destruction and terrorism.

On July 24, 1998, the CIA issued its first report on Al Shifa, based on the soil sample, spy satellite photographs and other intelligence. The CIA report highlighted apparent links between Al Shifa and bin Laden, including indirect financial connections through Sudan's Military Industrial Corporation.

But CIA analysts also suggested that additional information would be needed to be more certain about Al Shifa. One key paragraph, entitled "next steps," called for more soil samples to be taken and requested additional spy satellite photographs of the site.

The report also raised a new question about the evidence against Al Shifa by noting that there were no longer signs of heavy security around the plant.

On Aug. 4, 1998, the CIA issued a more ominous report, one that assessed the possible connection between Sudan, bin Laden and his efforts to obtain chemical weapons. It mentioned Al Shifa, but the report's highlight was new intelligence indicating that bin Laden, who earlier in the year had announced a renewed "holy war" against the United States, had acquired chemical or nuclear materials and "might be ready" to conduct a chemical attack.

At the State Department, intelligence analysts responded with skepticism. In an Aug. 6 memo for senior department policymakers, Ms. Oakley's analysts argued that, even with the new intelligence in the Aug. 4 report, the evidence linking Al Shifa to bin Laden and chemical weapons was still weak.

The next day, the U.S. embassies in Nairobi, Kenya, and Dar es Saalam, Tanzania, were bombed, and the United States soon concluded bin Laden was behind both attacks.

Clinton and a small group of his most senior advisors -- including Berger, Defense Secretary William Cohen, Albright, Pickering, and Gen. Henry Shelton, chairman of the Joint Chiefs of Staff -- quickly decided to retaliate.

On August 8, the president's senior advisors ordered the Pentagon's Joint Staff and the CIA to provide a list of sites connected to bin Laden and his organization that could be bombed.

A group of officials that included the CIA's Counter-Terrorism Center prepared a list of about 20 possible targets in three countries: Afghanistan, Sudan and one nation that U.S. officials declined to identify. It spelled out the evidence linking each target to bin Laden's organization and weighed the risks, including those for "collateral damage" -- the military term for accidentally hitting civilians. The plant at Al Shifa was on the list, officials said.

On Aug. 11, senior U.S. intelligence officials met to discuss Al Shifa and debated whether additional soil samples were needed.

On Aug. 12, after the list was winnowed down, Clinton and key National Security Council officials were briefed for the first time on the possible targets, including Al Shifa, by Shelton.

The next day, the CIA received a report that changed the nature of the debate and the pace of planning for the retaliatory strike. New intelligence showed that bin Laden and his key lieutenants would be meeting at camps in Khost, Afghanistan, on Aug. 20. Reports also indicated that bin Laden might be planning further attacks, possibly with chemical weapons.The Afghan camps were already among the top priority targets proposed by the Pentagon and CIA planners.

Some officials said the White House seemed determined to hit bin Laden in more than one place. Richard Clarke, the senior National Security Council aide who played a pivotal role in planning the operation on behalf of the president, later explained to a colleague that the Saudi exile had shown "global reach" by attacking U.S. embassies simultaneously in two countries. The United States, he then said, had to respond by attacking his network beyond its haven in Afghanistan.

In an interview, Clarke said it was the president and his principal foreign policy advisers who "obviously decided to attack in more than one place."

In the White House meeting on Aug. 19, where the final recommendations were to be made to the president, officials chose to target the Afghan training camps and two sites in the Sudan: Al Shifa and a tannery in Khartoum that intelligence reports indicated was linked to bin Laden.

Berger denies that there was a significant debate about the evidence concerning Al Shifa during that meeting. Rather, he said, there were "geopolitical" questions raised about whether it was appropriate to strike Sudan, an Arab country where bin Laden no longer lived. "There were a few people who felt we shouldn't go to a second country, but those questions were not based on any doubts about Al Shifa," he said.

Notes taken at the meeting, however, say that Tenet, the director of central intelligence, alluded to "gaps" in the case linking bin Laden to the factory. The agency, he said, was working to "close the intelligence gaps on this target."

Tenet said he had been careful to delineate "what we knew and didn't know, what the risks were, and what the downsides were," about Al Shifa.

Officials said Shelton objected to striking the Khartoum tannery, both because of the potential that missiles might hit civilians and because the site was not suspected of being involved in chemical weapons.

Officials recall that the debate was halted by Berger. The administration, he said, would justifiably be pilloried if the United States did not destroy Al Shifa and bin Laden later launched a chemical attack that could have been pre-empted.

A recommendation was sent to Clinton to attack the Afghan camps, Al Shifa and the tannery.

Later that day, Shelton and told his colleagues among the Joint Chiefs of Staff about the planned bombing, in part to gain their help in convincing the White House to drop the tannery as a target. It was the first time the service chiefs had been told about the pending operation.

After their meeting, Shelton called the White House to say that the officers shared his opposition to bombing the tannery. Other senior officials began to object, and Berger relayed those concerns to Clinton on Martha's Vineyard. At about midnight, Clinton consulted some of his senior advisors about the matter and at about 2 a.m. ordered that the tannery be removed from the target list.

In Washington, late in the day on Aug. 19th, several officials, including members of the administration's committee of top counter-terrorism experts, were summoned to Clarke's office at the National Security Council and told to remain there for the evening. The group's members had met

previously to discuss the idea of a retaliatory strike but had not been involved selecting targets.

The officials were told of the decision to strike for the first time that night by Clarke, according to a participant in the meeting. But as Clarke gave them reports to read about Al Shifa, he was met with skepticism.

Some members of the group told Clarke that they believed the intelligence on Al Shifa was too thin. "People said, "Dick, what is this?" according to the participant,

but Clarke brushed aside those concerns and said the decision to strike had already been made.

The officials had been summoned that night not to pass judgment on the targets, Clarke told them, but to help prepare paperwork related to the operation, including talking points for U.S. ambassadors around the world and briefings for Congress and the press that would begin after the strike was completed.

In an interview, Clarke denied that anyone had raised doubts to him during that meeting or at any other time either before or after the Al Shifa strike. The "people brought in the night before were brought in to do paperwork," not to review the targets, he said. Across the Potomac River, at the CIA's headquarters in Langley, Va., similar worries were being expressed. Senior agency officials gathered in Tenet's conference room to discuss the targets and, one participant said, there was strong disagreement about the plans.

Questions about Al Shifa also surfaced at the State Department just before the attack. Pickering was shown the intelligence analysts' memo expressing skepticism about the CIA's intelligence on Al Shifa, he said. Pickering said he mentioned the report's findings to Albright.

Pickering and Ms. Albright both decided to support the decision to strike, however. They were convinced that the CIA's materials -- primarily the soil sample from Al Shifa -- were persuasive, he said.

In the days after the strike, an international controversy erupted, with Sudan demanding damages and an independent review of case. In Washington, senior officials insisted in press briefings that the links between bin Laden, the factory, and chemical weapons were strong and compelling.

There was much less certainty behind the scenes.

Soon after the strike, word began to filter out of the government that senior U.S. intelligence officials, including Jack Downing, the head of the CIA's Directorate of Operations, its clandestine espionage arm, believed the Sudan strike was not justified.

Others raising similar questions included the head of the African Division in the clandestine service and the chief of the CIA's Counter-Terrorism Center, whose own office had collected the intelligence on the site.

While they did not question that the intelligence on Al Shifa raised strong suspicions, they found the connections between Sudan, Al Shifa and bin Laden too indirect to support the administration's public statements justifying the attack. . Downing and the other two officials, whose names have been withheld at the request of the CIA, would not comment.

At the intelligence branch of the State Department, officials began drafting the report renewing doubts about the evidence.

Soon after the strike, the CIA conducted an after-action study and gathered intelligence about the plant's owner, a Sudanese-born businessman named Salah Idris. In the weeks after the strike, the agency said it had found new evidence about his possible financial connections to the terrorist group Islamic Jihad, which in turn has strong connections to bin Laden.

But agency officials acknowledged that at the time of the strike they had not known that he owned the plant. Today, officials also acknowledge that the soil sample collected at Al Shifa was obtained about four months before Idris bought the plant in March 1998.

Now, officials also say that Idris was never put on the government's terrorist watch list, either before or after the attack, which would prevent him from obtaining a visa to the United States.

After the strike, the Treasury Department's Office of Foreign Assets Control froze Idris' accounts at Bank of America's branches in London and Guernsey, in the Channel Islands. That prompted Idris to file suit against the government seeking the release his funds. In May, Treasury agreed to unfreeze his assets, which totalled more than $24 million, just before the government's response to his lawsuit was due in court. Idris has reportedly considered filing suit against the United States seeking damages for the loss of his plant, but has not yet done so.

Bin Laden, meanwhile, remains in Afghanistan, and the United States has warned repeatedly over the past year that he has been attempting to conduct further terrorist acts against U.S. targets. Senior Clinton administration officials now say they believe bin Laden is trying to develop chemical weapons in Afghanistan, and may have obtained them.